



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, CA 94105-3901

July 21, 2016

Andrew Mendoza  
Office of the General Council  
National Indian Gaming Commission  
1849 C Street NW, Mail Stop #1621  
Washington, DC 20240

Subject: Jamul Indian Village Final Supplemental Environmental Impact Statement (FSEIS), San Diego County, California (CEQ# 20160150)

Dear Mr. Mendoza:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA reviewed the Draft Supplemental Environmental Impact Statement (DSEIS) and provided comments to the National Indian Gaming Commission (NIGC) on May 10, 2016. We rated the DSEIS as *Environmental Concerns - Insufficient Information* (EC-2) based on the potential for unpermitted wastewater discharges to enter surface waters, as identified in the Tribal Environmental Evaluation (TEE), which was incorporated by reference into the DSEIS. According to the TEE Addendum, the rock characterization within the effluent infiltration area identified fractures that could enable treated effluent flows to intersect groundwater and daylight along Willow Creek, indicating a potential hydrological connection between groundwater and surface waters. The Clean Water Act prohibits the discharge of any pollutant to surface waters of the United States without a National Pollutant Discharge Elimination System (NPDES) permit. The DSEIS did not disclose this potential permit requirement and EPA had not received an application for such a permit.

We appreciate the additional information in the FSEIS's response to comments regarding soils, percolation testing, and the engineering controls and monitoring that will be implemented for the wastewater system. NIGC indicates that the wastewater disposal system, as designed, would provide assurances against a resulting surface water discharge; nevertheless, the Tribe has agreed to file an application for an NPDES Permit with EPA Region 9. We received this application on July 20, 2016 and look forward to working with the Tribe and other stakeholders on this permit, which, if granted, would authorize discharges to surface waters under the Clean Water Act.

We also appreciate the inquiry to EPA regarding applicability of the Underground Injection Control (UIC) program to the project's leach field. In our conversation, we confirmed that registration as a Class V well is required and can be accomplished via the UIC website at:  
<http://www2.epa.gov/uic/forms/underground-injection-wells-registration>.

EPA appreciates the opportunity to review this FSEIS. If you have any questions, please contact me at 415-972-3521, or contact Karen Vitulano, the lead reviewer for this project, at 415-947-4178 or [vitulano.karen@epa.gov](mailto:vitulano.karen@epa.gov).

Sincerely,



Kathleen Martyn Goforth, Manager  
Environmental Review Section

cc: Erica Pinto, Chairwoman, Jamul Indian Village  
Richard Tellow, Environmental Director, Jamul Indian Village